



12/9/04

BUDGETS

SB 1193 (Johnson)

SB 1193 would appropriate an additional \$99.5 million in General Funds to School Aid and decreases the School Aid Fund appropriation by the same amount in order to offset an anticipated 2004-05 shortfall in School Aid Funds.

- The Senate concurred with the House changes to SB 1193 [RC 932: 37 yes, 0 no]. Immediate Effect was given to the bill.

MESSAGES FROM THE HOUSE

SB 184 (Garcia)

SB 184 would provide a tax break from the sales tax for vehicles transferred from a church that received the vehicle as a donation, to someone whose household income is below 200% of the Federal poverty guidelines.

- The Senate concurred with the House changes to SB 184 [RC 933: 36 yes, 0 no]. Immediate Effect was given to the bill.

SB 591 (Hammerstrom)

SB 1076 (Hammerstrom)

SB 1079 (Johnson)

SB 591 would require the Detroit-Wayne County community mental health board to become a Community Mental Health authority in order to contract to provide Medicaid mental health and substance abuse services.

- The Senate concurred with the House changes to SB 591 [RC 957: 25 yes, 11 no]. Immediate Effect was given to the bill.

SBs 1076 and 1079 would require the Detroit-Wayne County CMHSP to be established as a CMH authority; and allow the DCH to require the CMHSP to become a CMH authority as a condition of certification.

- The Senate concurred with the House changes to SB 1076 [RC 958: 25 yes, 11 no]. Immediate Effect was given to the bill.

- The Senate concurred with the House changes to SB 1079 [RC 959: 24 yes, 12 no]. Immediate Effect was defeated [no RC].

SB 601 (SWITALSKI)

Senate Bill 601 would allow a home rule city to adopt in an ordinance an international property maintenance code by reference to the code, without publishing it in full. Generally, building, fire, electrical, and other types of codes are highly technical and lengthy. While useful for those whose work demands that they know and follow the codes, publication of codes in their entirety is of little value to the general public. For people who need to know what is in the codes, or for those who are curious, copies of the complete codes must be available for inspection at the city clerk's office. Allowing a city to adopt a code by reference, and not publish the full document, is practical and saves printing costs. The bill simply would identify another code that could be adopted by reference.

Support: Michigan Municipal League, CIS.

- The Senate concurred with the House changes to SB 966 [RC 987: 35 yes, 0 no]. Immediate Effect was given to the bill.

SB 677 (Jelinek)

SB 677 would require the director of the state to promulgate rules establishing standards and requirements for the relocation and reuse of used modular classrooms. Currently, the inspection of modular units assumes they will be used permanently as classrooms at a fixed location. The bill would strike a balance between school safety and common sense by requiring officials at the Department of Labor and Economic Growth to write rules that applied particularly to the relocation and reuse of portable units, rather than treating all modular units as if they were permanent school buildings.

The House substitute differs from the Senate-passed version only by providing a definition for the term "department." Under the substitute version, "department" is defined to mean the Department of Labor and Economic Growth.

- The Senate concurred with the House changes to SB 677 [RC 908: 37 yes, 0 no]. Immediate Effect was given to the bill.

SBs 683-86 (Bipartisan)

SB 683 would provide that an individual who is noncompliant with treatment and, as a result, has been placed in a psychiatric hospital, prison or jail within the last 36 months or whose noncompliance has been a factor in them committing illegal acts within the last 48 months is eligible to receive outpatient assisted living.

Support: Treatment Advocacy Center, Family of Kevin Heisinger, MI Osteopathic Assn., MI Psychiatric Society, Judge William. Earvin, Mt. Pleasant.

Oppose: MI Protection and Advocacy Services.

- The Senate concurred with the House changes to SB 683 [RC 944: 36 yes, 0 no]. Immediate Effect was given to the bill.

SB 684 would allow any individual at least 18 years old to file a petition with the court asserting that a person met the criteria for assisted outpatient treatment which Senate Bill 683 would add. The petition would have to contain the facts that were the basis for the assertion; the names and addresses, if known, of any witnesses to the facts; and the name and address of the nearest relative or guardian, if known, or, if none, a friend, if known, of the subject of the petition.

- The Senate concurred with the House changes to SB 684 [RC 945: 36 yes, 0 no]. Immediate Effect was given to the bill.

SB 685 would add that an initial order of assisted outpatient treatment could not exceed 180 days. An initial order for combined hospitalization and assisted outpatient treatment could not exceed 180 days, with the hospitalization portion being not more than 60 days.

- The Senate concurred with the House changes to SB 685 [RC 946: 36 yes, 0 no]. Immediate Effect was given to the bill.

SB 686 would include intensive case management services or assertive community treatment team services to provide care coordination. Assisted outpatient treatment also could include one or more of the following categories of services: 1) Medication. 2) Periodic blood tests or urinalysis to determine compliance with prescribed medications. 3) Individual or group therapy. 4) Day or partial day programming activities. 5) Vocational, educational, or self-help training or activities. 6) Alcohol or substance abuse treatment and counseling. 7) Periodic testing for alcohol or illegal drugs for a person with a history of alcohol or substance abuse. 8) Supervision of living arrangements.

- The Senate concurred with the House changes to SB 686 [RC 947: 36 yes, 0 no]. Immediate Effect was given to the bill.

SB 735 (Allen)

The bill would amend Public Act 299 of 1996 to allow the operator of a tourist-oriented attraction to erect a tourist-oriented directional sign within the jurisdiction of a local unit of government with approval of the local governing body. The bill would make it easier for the operators of tourist attractions to guide visitors directly to their location. Currently, with MDOT approval, an operator may post a directional sign along the portion of a rural road outside the limits of a city, village, or township, but cannot post anything to help guide motorists once they have driven into the municipality.

- The Senate concurred with the House changes to SB 735 [RC 948: 36 yes, 0 no]. Immediate Effect was given to the bill.

SB 756 (Hardiman)

SB 756 would require the Department of Community Health (DCH), in cooperation with the Family Independence Agency (FIA) and the Michigan State Housing Development Authority (MSHDA), to establish and maintain a Lead Safe Housing Registry. The purpose of the registry would be to provide the public with a listing of residential and multifamily dwellings and child occupied facilities that have been determined to be free of lead-based paint hazards.

- The Senate concurred with the House changes to SB 756 [RC 960: 35 yes, 0 no]. Immediate Effect was given to the bill.

SB 817 (Toy)

SB 817 would create the "Organ and Tissue Donation Education Fund"; and require the secretary of state to provide an opportunity for an individual to make a donation of at least \$1 to the fund in conjunction with the issuance of a driver license. Money in the new fund would be used to encourage Michigan residents to place their names on the organ donor registry.

- The Senate concurred with the House changes to SB 817 [RC 909: 37 yes, 0 no]. Immediate Effect was given to the bill.

SB 850-51 (Allen)

SB 850-51 would provide for the automatic payment of wages by direct deposit, electronic funds transfer, or debit card (although some employees could opt out); and would require the state to use electronic funds transfer when purchasing goods or services under contracts beginning in 2005 or 2006 (depending on the department).

- The Senate concurred with the House changes to SB 850 [RC 954: 36 yes, 0 no]. Immediate Effect was given to the bill.
- The Senate concurred with the House changes to SB 851 [RC 955: 36 yes, 0 no]. Immediate Effect was given to the bill.

SB 908 (Jelinek)

SB 908 would allow a practitioner to dispense a prescription for a controlled substance written and signed by a physician licensed to practice in Illinois. Under current law, a practitioner (e.g., a pharmacist) may not dispense a prescription for a controlled substance written by a physician licensed to practice in another state, unless the prescription is issued by a physician who resides adjacent to the land border between Michigan and an adjoining state, whose practice may extend into Michigan, but who does not maintain an office in Michigan. Apparently, many people from Illinois visit Michigan, particularly the southwestern part of the State, for extended time periods and are inconvenienced by the inability to have prescriptions written in Illinois filled in Michigan. It has been suggested that the exception for the out-of-state prescriptions be extended to those written by a licensed physician residing in Illinois. Minnesota has also been added.

Support: MI State Medical Society, MI Pharmacist Assn.

- The Senate concurred with the House changes to SB 908 [RC 961: 35 yes, 0 no]. Immediate Effect was given to the bill.

SB 925 (McManus)

SB 925 gives limited liability protection for prescribed burns that met a series of conditions. The bill would provide that a property owner would not be liable for damage or injury caused by the fire or smoke from a prescribed burn, and would not be liable for fire suppression costs incurred by the State or a local unit of government.

- The Senate concurred with the House changes to SB 925 [RC 949: 36 yes, 0 no]. Immediate Effect was given to the bill.

SB 926 (McManus)

SB 926 would extend (until 2010) a section that required the Natural Resources Commission to issue an order prohibiting deer or elk feeding, unless it is for recreational viewing purposes. Without the extension, the requirement would expire 12/31/04.

Support: DNR, MDA, MI Environmental Council, MI Farm Bureau.

- The Senate concurred with the House changes to SB 926 [RC 962: 35 yes, 0 no]. Immediate Effect was given to the bill.

SB 929-31 (Hammerstrom)

SBs 929-31 would eliminate the county register of deeds as a payment recipient when a mortgagor or a successor in interest redeems property following a foreclosure sale, in cases in which the deed of sale was deposited in the register's office for the benefit of the purchaser.

SB 929

- The Senate concurred with the House changes to SB 929 [RC 970: 35 yes, 0 no]. No Immediate Effect.

SB 930

- The Senate concurred with the House changes to SB 930 [RC 971: 35 yes, 0 no]. No Immediate Effect.

SB 931

- The Senate concurred with the House changes to SB 931 [RC 972: 35 yes, 0 no]. No Immediate Effect.

SB 959 (McManus)

SB 961 (Cropsey)

SB 963 (Hardiman)

SB 964 (Sanborn)

SB 966 (Kuipers)

HB 5467 (Voorhees)

HB 5469 (Hager)

HB 5468 (Stahl)

HB 5470 (Vander Veen)

HB 5471 (Moolenaar)

HB 5473 (WOJNO)

HB 5474 (GLEASON)

MARRIAGE REGULATION PACKAGE

SB 959 would expand the list of individuals exempted from regulation as a marriage and family therapist

- The Senate concurred with the House changes to SB 959 [RC 982: 32 yes, 3 no]. Immediate Effect was given to the bill.

SB 961 would specify that if the parties to a marriage attend and complete a qualifying premarital education program, they could claim the income tax credit proposed under House Bill 5468.

- The Senate concurred with the House changes to SB 961 [RC 983: 21 yes, 14 no]. No Immediate Effect.

SB 963 would amend license requirements for marriage, to require notification on the marriage certificate whether both parties received premarital education.

- The Senate concurred with the House changes to SB 963 [RC 984: 25 yes, 10 no]. No Immediate Effect.

SB 964 would require a man and a woman who intended to apply for a marriage license to either complete a program in premarital education, or, in the alternative, wait 28 days rather than three for the delivery of the marriage license. The longer waiting period does not apply if both man and woman are 50 years of age or older.

- The Senate concurred with the House changes to SB 964 [RC 985: 23 yes, 12 no]. No Immediate Effect.

SB 966 would require the State Court Administrative Office (SCAO), with the approval and at the direction of the state supreme court, to develop and make available a form that a parent could use to complete a parenting time plan.

- The Senate concurred with the House changes to SB 966 [RC 986: 26 yes, 9 no]. No Immediate Effect.

HB 5467 would provide that if a party to a marriage license application does not complete a program in premarital education, the clerk shall not deliver the marriage license until at least 28 after the date of the application. (House added in a tie bar to all these bills.)

- The Senate concurred with the House changes to HB 5467 [RC 975: 22 yes, 12 no].

HB 5469 would specify that if the parties to a marriage attend and complete a qualifying premarital education program, they could claim the income tax credit proposed under House Bill 5468. This bill would require a premarital education program to emphasize skill-building strategies and to include, at a minimum, conflict management, communication skills, financial matters, and if the couple has or intends to have children, child and parenting responsibilities.

- The Senate concurred with the House changes to the senate substitute to HB 5469 [RC 976: 21 yes, 13 no].

HB 5468 would provide qualified taxpayers with a nonrefundable credit against the income tax that is equal to the cost paid during the tax year for a premarital education program, up to \$50.

- The Senate concurred with the House changes to the senate substitute to HB 5468 [RC 977: 21 yes, 13 no].

HB 5470 would require that, unless exempted or excused, the parties to a divorce complete a divorce effects educational program and a questionnaire before the entry of the judgment of divorce, if there are minor children involved (or if the wife is pregnant and the husband would be considered the child's father under the law).

- The Senate concurred with the House changes to the senate substitute to HB 5470 [RC 978: 22 yes, 12 no].

HB 5471 would specify that in actions involving a dispute of a minor child's custody, the court to declare the child's inherent rights and establish the rights and duties as to the child's custody, support, and parenting time under court order or a court-approved parenting plan.

- The Senate concurred with the House changes to the senate substitute to HB 5471 [RC 979: 26 yes, 9 no].

HB 5473 would amend service of summons in divorce proceedings. Currently, each complaint for an action for divorce must list the names and ages of children of the marriage. If there are children under 17 years of age, a copy of the summons must be served on the county prosecutor, except, in counties with a population of 500,000 or more, the summons could be served on either the prosecutor or the Friend of the Court (FOC).

- The Senate concurred with the House changes to the senate substitute to HB 5473 [RC 980: 25 yes, 10 no].

HB 5474 would expand the list of individuals exempted from regulation as a marriage and family therapist. This would allow retired clergy to perform marriage counseling.'

- The Senate concurred with the House changes to the senate substitute to HB 5474 [RC 981: 32 yes, 3 no].

SB 1129 (BERNERO)

SB 1129 would delete a provision exempting licensed clinical laboratories from HIV reporting requirements; revise the reporting requirements; require the reporting of AIDS cases; and require a physician to send a specimen to a laboratory for an HIV test without specified identifying information, upon a patient's request.

- The Senate concurred with the House changes to SB 1129 [RC 910: 37 yes, 0 no]. Immediate Effect was given to the bill.

SB 1130 (Brown)

SB 1130 would transfer authority of the Michigan State Fair from the Department of Agriculture to the Department of Management and Budget.

The Senate-passed version of the bill made significant changes to the management and operation of the Michigan State Fair. The substitute reported by the House Committee on Agriculture and Resource Management, by contrast, only transfers authority of the state fair from the Department of Agriculture to the Department of Management and Budget. It does not materially alter the management structure and operation of the state fair.

- The Senate concurred with the House changes to SB 1130 [RC 967: 27 yes, 9 no]. Immediate Effect was given to the bill.

SB 1153-57 (Bipartisan)

SBs 1153-57 would revise the Michigan Education Assessment Program to create a new high school test for 11th graders known as the Michigan Merit Exam. The cost to take the exam, including one re-test, would be borne by the state. In addition, the bills would create a new readiness assessment so high school students could better plan for careers after high school. A qualifying score on a readiness assessment would indicate a student's ability to understand and successfully apply mathematics and technical knowledge in the world of work. The cost to take the readiness assessment would be borne by the test-taker, not the state. House changes to SB 1153 includes wording to insure accuracy of social studies question, also moves freedom to learn program to Ferris state university.

HBs 1154 and 1157 would require a high school student, beginning in the 2006-2007 school year, to achieve a qualifying score on a "readiness assessment", or the Michigan Merit Examination, in order to enroll in postsecondary or career and technical courses. The readiness assessment would have to be a nationally used assessment instrument aligned with state learning standards, and could contain a comprehensive career planning program.

HB 1156 would require an 11th-grade student, beginning in the 2006-2007 school year, to receive qualifying results in each subject area component of the proposed Michigan Merit Examination, in order to be eligible for a Michigan Merit Award Scholarship.

- The Senate concurred with the House changes to SB 1153 [RC 911: 35 yes, 1 no].
- The Senate concurred with the House changes to SB 1154 [RC 912: 36 yes, 1 no].
- The Senate concurred with the House changes to SB 1155 [RC 913: 36 yes, 1 no].
- The Senate concurred with the House changes to SB 1156 [RC 914: 36 yes, 1 no].
- The Senate concurred with the House changes to SB 1157 [RC 915: 36 yes, 1 no].
- Immediate Effect was given to all the bills.

SB 1171 (Van Woerkom)

SB 1171 would include abandoned vehicles in the definition of "litter." The House Committee on Transportation adopted a substitute that differs only slightly from the Senate-passed version. Where the Senate substitute refers in the definition of "litter" to a vehicle "considered abandoned" under the vehicle code, the House substitute refers to a vehicle "that is disposed of" under the same section of the vehicle code.

- The Senate concurred with the House changes to SB 1171 [RC 916: 37 yes, 0 no]. Immediate Effect was given to the bill.

SBs 1175-76 (George)

SB 1175 would felony offenses of damaging or destroying research property to the state sentencing guidelines.

- The Senate concurred with the House changes to SB 1175 [RC 934: 36 yes, 0 no]. Immediate Effect was given to the bill.

SB 1176 would prohibit persons from: 1) Damaging or destroying another person's research property with the intent to frighten, intimidate, or harass any person because of his or her participation or involvement in, or cooperation with, research; to prevent any person from engaging in any lawful profession, occupation, or activity because of his or her participation or involvement in, or cooperation with, research; or, to prevent, delay, hinder, or otherwise harm the research or use of the research. 2) Placing any object in any research property to prevent the lawful growing, harvesting, transportation, keeping, selling, or processing of that research property.

- The Senate concurred with the House changes to SB 1176 [RC 935: 36 yes, 0 no]. Immediate Effect was given to the bill.

SB 1185 (Cassis)

SB 1185 creates a "reasonable cause" defense to business personal property tax underreporting, and also provides the Tax Commission the discretion to waive penalties and interest for no specified reason. The bill also

lowers the amount of penalty and interest that can be charged. As part of the 2004 budget, we created an amnesty period for underreported and unreported personal property taxes which replicated the homestead underreporting provision. That is, personal (business) property taxes were treated the same as individual, homestead taxes.

Support: Michigan Chamber of Commerce, SBAM, DTE Energy.

Oppose: MTA, MAC, MML.

- The Senate concurred with the House changes to SB 1185 [RC 969: 22 yes, 13 no]. No Immediate Effect

SB 1201 (McManus)

SB 1201 would allow municipalities to jointly operate downtown development authorities (DDAs). It also would enable local officials to establish a DDA to permit the development of a new commercial property having a total cash value after development of at least \$100 million.

The Land Use and Urban Policy Committee added one amendment to the Senate-passed version of the bill and reported out Substitute H-2. The amendment would enable a new business development in Livingston County.

- The Senate concurred with the House changes to SB 1201 [RC 936: 36 yes, 0 no]. Immediate Effect was given to the bill.

SB 1202 (Hardiman)

SB 1202 would authorize a city in which a historic district is located to create a historical neighborhood tax increment finance authority. The bill would provide cities with a much-needed economic development tool to develop neighborhoods, increase property values and property tax revenues, and attract new residents and businesses. The authority would be run by a board comprising the city's chief executive officer and five to nine members appointed by the chief executive, subject to the approval of the city's governing board. The board would be empowered to provide for the financing of authority activities, including borrowing money and issuing bonds. The board also would prepare, and then submit to the city's governing body, a tax increment financing plan, which would have to include a development plan for the authority's development area.

The House Committee on Land Use and Urban Policy added one amendment to the Senate-passed version of the bill. That amendment would require the tax increment finance authority board to develop its long-range plans in cooperation with the historic district commission, as well as with the municipal planning agency. The Senate-passed version of the bill requires the board to work in cooperation only with the municipal planning agency.

- The Senate concurred with the House changes to SB 1202 [RC 950: 36 yes, 0 no]. Immediate Effect was given to the bill.

SB 1243 (Brown)

Senate Bill 1243 would designate the part of highway I-69 in Branch County as the "Purple Heart Trail".

- The Senate concurred with the House changes to SB 1243 [RC 937: 36 yes, 0 no]. Immediate Effect was given to the bill.

SB 1266 (Bishop)

SB 1266 would make changes to local lake improvement boards. Lake improvement boards are usually formed for projects that affect only one or two local governments. By increasing the number of representatives from each local government on a board from one to two, the bill would ensure that they had a greater say in the board's decisions. Additionally, permitting the drain commissioner to appoint a designee would free the commissioner from having to serve on dozens of separate boards in counties with a large number of them. Finally, the bill would delete the requirement that a representative of the DEQ serve on each board, thus eliminating a major cause of friction on many boards.

- The Senate concurred with the House changes to SB 1266 [RC 938: 37 yes, 0 no]. Immediate Effect was given to the bill.

SB 1267 (Gilbert)

SB 1267 would allow a 9-1-1 service district to implement an emergency notification system under which emergency service responders could contact service users (telephone customers) within a specific geographic area in cases of imminent danger or emergency that could affect the user's health, safety, or welfare.

- The Senate concurred with the House changes to SB 1267 [RC 917: 37 yes, 0 no]. Immediate Effect was given to the bill.

SB 1287 (Gilbert)

SB 1288 (Van Woerkom)

SB 1287 would prohibit a person from manufacturing, buying, selling, furnishing, or possessing a Molotov cocktail or any similar device that is designed to explode or will explode upon impact or with the application of heat or a flame, or that is highly incendiary, except as authorized by law. A violation would be a felony punishable by up to four years' imprisonment and/or a maximum fine of \$2,000.

- The Senate concurred with the House changes to SB 1287 [RC 939: 37 yes, 0 no]. Immediate Effect was given to the bill.

SB 1288 would include a violation of SB 1287 in the sentencing guidelines. The offense would be a felony, with a maximum sentence of four years' imprisonment.

- The Senate concurred with the House changes to SB 1288 [RC 940: 37 yes, 0 no]. Immediate Effect was given to the bill.

SB 1341 (Birkholz)

SB 1341 amends the State Housing Development Authority Act to reauthorize MSHDA as is required every three years. MSHDA provides for affordable, safe, quality housing.

Support: SEMCOG, MSHDA, MI Housing Council, Habitat for Humanity, MI Assn. of Home Bldrs., MI Assn. of Realtors, MI Bankers Assn., MML, Community Economic Development Assn. of MI.

- The Senate concurred with the House changes to SB 1341 [RC 956: 36 yes, 0 no]. Immediate Effect was given to the bill.

SB 1344 (Hammerstrom)

SB 1344 would: 1) prohibit the use of mechanical and chemical restraint by child care institutions; but 2) allow the use of personal restraint and seclusion to ensure the safety of a minor or others in an emergency situation.

- The Senate concurred with the House changes to SB 1344 [RC 951: 36 yes, 0 no]. Immediate Effect was given to the bill.

SB 1383 (Gilbert)

SB 1383 would amend the County Road Law 1) to delete the limit on the outstanding balance of purchases by a county road commission; and 2) to increase the amount of money a county road commission may spend in an emergency without advertising for sealed proposals. The bidding requirements for county road commissions have reportedly not been adjusted in more than 20 years. The bill would provide a more realistic limit in emergency situations so that road commissions could replace needed equipment expeditiously. Supporters point to a recent garage fire that destroyed numerous pieces of heavy equipment belonging to the Oakland County Road Commission. The low bidding requirement unnecessarily lengthened the replacement process.

The House Committee on Transportation adopted one amendment to the Senate-passed version. The Senate version increased the sealed bid limit from \$10,000 to \$20,000 for ordinary purchases. The amendment restores the limit to \$10,000, meaning the house-passed version raises only the emergency bidding limit.

- The Senate concurred with the House changes to SB 1383 [RC 918: 37 yes, 0 no]. Immediate Effect was given to the bill.

SB 1432 (Patterson)

SB 1432 would allow two or more municipalities to establish a watershed alliance for the purpose of studying problems and planning and implementing activities designed to address surface water quality or water flow issues of mutual concern.

- The Senate concurred with the House changes to SB 1432 [RC 919: 37 yes, 0 no]. Immediate Effect was given to the bill.

SB 1440 (Bishop)

SB 1440 would require the family division of circuit court (family court) to conduct an initial foster care review hearing within 182 days after removal of a child from his or her home, rather than within 91 days after entry of a court order regarding the child's foster care placement, in a case involving neglect or abandonment.

- The Senate concurred with the House changes to SB 1440 [RC 973: 35 yes, 0 no]. Immediate Effect was given to the bill.

SB 1447 (Hammerstrom)

SB 1450 (Van Woerkom)

CHILD SUPPORT PACKAGE

SUPPORT: Attorney General, FIA, Worker's Comp. Agency, Insurance Institute of Michigan -- This bill and the others in this package would provide an effective tool to help increase child support payments to deserving kids. It is estimated that \$7 billion in child support is unpaid in Michigan, and that \$3 billion of that is owed to the state. Expanding the state's ability to use child support arrearages as liens against insurance claims, inheritances, and workers compensation will ensure that the money received by child support obligors in arrears ends up where it is supposed to: in the hands of the kids to whom it's owed.

OPPOSE: Michigan Chamber of Commerce.

SB 1447 would allow for past-due child support to constitute a lien against the real and personal property of a payer of child support, including an inheritance, worker's compensation, or an insurance claim. The bill would expand the law so that liens could be imposed against money to be paid as a distribution from a decedent's estate; as the result of a claim for negligence, personal injury, or death; under an arbitration award; under a settlement of or judgment issued in a civil action; and funds due a payer from a settlement, civil judgment, worker's compensation order, settlement, redemption order, or voluntary payment.

- The Senate concurred with the House changes to SB 1447 [RC 920: 37 yes, 0 no]. Immediate Effect was given to the bill.

SB 1450 would require that local Friend of the Court offices be given notice of a decedent's inheritors at the time a personal representative is appointed to administer an estate.

- The Senate concurred with the House changes to SB 1450 [RC 921: 37 yes, 0 no]. Immediate Effect was given to the bill.

SB 1458 (Birkholz)

SB 1458 would restrict the manufacture, process, and distribution of materials containing more than 1/10 of 1% of PBDE. PBDEs, also known as polybrominated diphenyl ether, are chemicals that have been used as flame retardants in consumer materials including electronics. PBDEs are bio-accumulative which means that they build up in the human body and persist even after the exposure has been limited. A recent study showed that women in the Great Lakes area have the third highest level of PBDEs in breast milk compared to those tested nationally. Great Lakes Chemical is the only US company to manufacture the two types of PBDEs is located in the Great Lakes basin.

- The Senate concurred with the House changes to SB 1458 [RC 941: 34 yes, 0 no]. Immediate Effect was given to the bill.

SB 1463 (George)

SB 1463 would eliminate the three election divisions in the Eighth Judicial District, which consists of Kalamazoo County and has seven judges.

- The Senate concurred with the House changes to SB 1463 [RC 952: 29 yes, 7 no]. Immediate Effect was given to the bill.

SB 1464 (Hammerstrom)

Support: MI Psychiatric Assn., Mental Health Assn., MI Protection and Advocacy, DCH.

SB 1464 would allow an individual to designate a patient advocate to exercise powers regarding his or her mental health treatment decisions, and allow an individual to include in a patient advocate designation a statement of his or her desires on mental health treatment.

- The Senate concurred with the House changes to SB 1464 [RC 953: 36 yes, 0 no]. Immediate Effect was given to the bill.

HB 5763 (LIPSEY)

HB 5763 would amend provisions regarding property protected from creditors to create a section unique to bankruptcy proceedings and to revise those exemptions by increasing the dollar thresholds (especially the homestead exemption which is increased to \$30,000) and providing for future adjustments indexed to inflation.

- The Senate concurred with the House changes to HB 5763 [RC 942: 37 yes, 0 no]. Immediate Effect was given to the bill.

HB 6235 (KOLB)

HB 6235 would allow capital expenditure grants from the Scrap Tire Regulatory Fund. The bill would define "capital expenditure" to mean an expenditure for land and improvements, transportation improvements, infrastructure improvements, or equipment acquisition intended to enhance or improve the overall value of scrap tires or scrap tire processed materials into a product of higher value. [Same as SB 1418]

- Sikkema 1 was adopted [no RC]. 2-year sunset on 75 cent tire fee.
- The Senate rejected the House changes as amended to HB 6235, as amended by the Senate [RC 974: 3 yes, 31 no].

FINAL PASSAGE

HB 4187 (Anderson)

The bill would amend the Michigan Telecommunications Act to require the operator or service provider that owned or operated a payphone or contracted to provide toll service for the payphone provider to disclose, at no charge, audibly and distinctly, how the consumer could receive a rate quote, before connecting the call.

- HB 4187 was moved to 3rd Reading.
- HB 4187 passed with IE [RC 968: 36 yes, 0 no].

HB 4231 (Koetje)

HB 5364 (DANIELS)

HB 4231 would: 1) Revise the definition of "abandoned vehicle". 2) Require a police agency that has received a vehicle that has been taken into custody as abandoned to notify the SOS within 24 hours. 3) Require the SOS, rather than the police agency, to notify the registered owner that the vehicle has been taken into custody. 4) Require the SOS to maintain an online database of abandoned vehicles. 5) Create the "Abandoned Vehicle Fund" to reimburse law enforcement agencies for abandoned vehicle recovery efforts, local units of government for nonpayment of vehicle towing and storage costs, and the SOS for administrative costs. 6) Require the owner of a vehicle that has been taken into custody as abandoned to pay a \$150 fee; and require the fee to be deposited into the Fund.

- Gilbert 1 was adopted [no RC].
- HB 4231 passed with IE [RC 927: 37 yes, 0 no].
- Senate reconsidered the vote by which HB 4231 passed [no RC].
- Gilbert 2 was adopted [no RC].
- HB 4231 passed with IE [RC 988: 34 yes, 1 no].

HB 5364 would: 1) Require a person who sold a vehicle either to accompany the purchaser to an SOS branch office to ensure transfer of the title, or to maintain a record of sale for at least three years, in order to avoid liability for any subsequent damages or violation of law resulting from the vehicle's use by the purchaser; and prescribe a civil fine for failure to do so. 2) Prohibit a person from abandoning a vehicle in this State, and prescribe a civil fine for a violation. 3) Reduce the time an owner has to remove a vehicle before it is considered abandoned. 4) Prohibit a vehicle owner from contesting the reasonableness of towing and storage fees for an abandoned or removed vehicle, if the fees were established by contract with the local governmental unit or local law enforcement agency.

- HB 5364 passed with IE [RC 928: 37 yes, 0 no].

HB 4406 (KOLB)

HB 4406 would prohibit a person from manufacturing, processing, or distributing a product or material containing more than 0.1% of penta-BDE, beginning June 1, 2006. A violation would be a misdemeanor punishable by a fine of at least \$2,500 but not more than \$25,000. Each day that a violation continued would be a considered a separate violation.

- HB 4406 passed with IE [RC 922: 37 yes, 0 no].
- HB 4406 the vote was reconsidered [no RC].
- HB 4406 passed with IE [RC 963: 35 yes, 0 no].

HB 4654 (LIPSEY)

HB 5259 (Stahl)

HB 5262 (Hart)

HB 4654, HB 5259, and HB 5262 would establish a child support amnesty program and provide for the waiver of civil and criminal penalties for the support arrearage of a payer who complied with the program.

HB 4654:

- HB 4654 passed with IE [RC 924: 37 yes, 0 no].

HB 5259:

- HB 5259 passed with IE [RC 925: 37 yes, 0 no].

HB 5262:

- HB 5262 passed with IE [RC 926: 37 yes, 0 no].

HB 4787 (Kooiman)

HB 4788 (REEVES)

HB 4787 would create and implement the House and Community Development program for the purpose of developing and coordinating public and private resources to meet the affordable housing needs of low income, very low income, and extremely low income households in Michigan. The Authority would have to identify,

select, and make financing available to eligible applicants from money in the proposed Fund or from money secured by the Fund for this housing.

- Birkholz 1 was adopted [no RC]. Breaks tie-bar
- HB 4787 passed with IE [RC 964: 34 yes, 1 no].

HB 4788 would: 1) create and implement the "Michigan Housing and Community Development Program". 2) Create the "Michigan Housing and Community Development Fund". 3) Require MSHDA to spend money in the Fund for grants and loans to corporations and partnerships organized for the purpose of developing and supporting affordable housing for low income, very low income, or extremely low income households.

- HB 4788 passed with IE [RC 965: 35 yes, 1 no].

HB 5140 (PLAKAS)

HB 5140 would allow some homes located in an enterprise zone within the city of Inkster to qualify for tax breaks under the enterprise zone law.

- HB 5140 passed with IE [RC 966: 36 yes, 0 no].

HB 5205 (Richardville)

HB 5205 would provide for the registration of acupuncturists. The bill would: 1) Establish a \$75 application processing fee and an annual \$150 registration fee. Prohibit an individual from calling himself or herself an acupuncturist, or using certain other titles, without being registered.

Support: MI Assn. of Acupuncture and Oriental Medicine.

- HB 5205 passed with IE [RC 923: 33 yes, 4 no].

HB 6164 (Ward)

HB 6166 (Johnson)

HB 6206 (LaJoy)

HB 6164, HB 6166, and HB 6206 would give local units of government the authority to enter into contracts with private developers in order to specify certain land uses as conditions to rezoning, a practice customarily known as contract zoning. Land use planners in counties, towns, and townships need many tools to ensure that land is re-developed and preserved in sensible, cost-effective, and aesthetically appropriate ways. Conditional zoning would enable local planners and property owners to rezone a parcel -- say an obsolete gas station or abandoned warehouse -- subject to explicit conditions that are specified in order to maintain high quality standards during the redevelopment. Conditional zoning would be part of a local unit of government's land planning process, and any changes in the zone that were proposed would be subject to the same kinds of public notice and public hearings.

HB 6164

- Senate reconsidered the vote by which HB 6164 passed [no RC].
- Senate reconsidered the vote by which the SCHAUER 1 was adopted [no RC].
- SCHAUER 1 was withdrawn.
- HB 6164 passed [RC 929: 36 yes, 1 no].

HB 6166

- HB 6166 was moved to 3rd Reading.
- Senate reconsidered the vote by which HB 6166 passed [no RC].
- Senate reconsidered the vote by which the SCHAUER 1 was adopted [no RC].
- SCHAUER 1 was withdrawn.
- HB 6166 passed [RC 930: 36 yes, 1 no].

HB 6206

- HB 6206 was moved to 3rd Reading.
- Senate reconsidered the vote by which HB 6206 passed [no RC].
- Senate reconsidered the vote by which the SCHAUER 1 was adopted [no RC].
- Schauer 1 was withdrawn.
- HB 6206 passed [RC 931: 36 yes, 1 no].

HB 6337 (Bradstreet)

HB 6337 would amend the Michigan Telecommunications Act to allow the Michigan Public Service Commission to promulgate rules to administer and enforce the act. The rulemaking authority would include promulgating rules to prohibit anticompetitive behaviors and relationships of providers that prevent the development and growth of competition in providing telecommunication services in the state.

[A recent decision by the Michigan Court of Appeals said that the PSC lacks the authority to promulgate rules under the Michigan Telecommunications Act as a result of the Michigan Supreme Court's finding in June 2000 that two sections of the Administrative Procedures Act are unconstitutional.]

- Patterson 2 was adopted [no RC].
- Patterson 3 was adopted [no RC].
- HB 6337 was moved to 3rd Reading
- HB 6337 passed with IE [RC 943: 36 yes, 0 no].

RESOLUTIONS

SCR 48 (Hammerstrom)

Adjournment Resolution.

- HCR 48 was adopted [no RC].